

Minutes were approved on April 24, 2023.

**CITY OF LACONIA - CITY COUNCIL SUBCOMMITTEE MEETING**  
**Government Operations and Ordinances**  
**6:00 P.M.**

3/27/2023 - Minutes

**1. CALL TO ORDER**

Chairman Soucy called the meeting to order at 6:05 PM

**2. SALUTE TO THE FLAG**

Councilor Soucy led the salute to the flag

**3. RECORDING SECRETARY**

Katie Gargano, City Clerk

**4. ROLL CALL**

Chairman Soucy, Councilor Cheney and Councilor Felch

**5. STAFF IN ATTENDANCE**

Kirk Beattie, City Manager; Glenn Smith, Finance Director, Amy Lovisek Parks and Rec Director, Dean Trefethen, Planning and Code Director

**6. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS**

**6.A. Government Operations and Ordinances Subcommittee meeting minutes of January 23, 2023**

Minutes of the meeting of January 23, 2023 were distributed to the members of the City Council Government Operations and Ordinances Subcommittee on January 27, 2023.

With no corrections or changes submitted to the Clerk, the minutes were accepted as distributed.

**7. GOVERNMENT OPERATIONS & ORDINANCES (Soucy (Chair), Felch, Cheney)**

**7.A. Airbnb non-owner occupied properties**

Councilor Cheney requested that the Governmental Operations & Ordinances Committee discuss concerns with Airbnb non-owner occupied properties.

Dean Trefethen, Director of Planning/Zoning and Code Enforcement, was at the meeting to answer any specific questions or concerns the Committee members may have.

Manager Beattie gave an overview of the issues that have come up with a few of our residences and there are some. There was request to review the current ordinance to see if any adjustments need to be made. The last few years that this ordinance has been in place the vast majority of rentals have

gone very well.

Director Trefethen discussed that the current ordinance has been in effect for 3 years. There are currently 150 homes that are permitted and approximately 150 that are not permitted. Out of all the properties permitted they have only received 1 formal complaint and that was about noise. The other complaints that they receive are from properties that do not have permits. The non-permitted property owners are getting very creative on ways to try to get around the process because they don't believe they need to follow the rules. There is a total of 4 or 5 properties that they are trying to work with right at this moment and it is an ongoing discussion. Director Trefethen said that they need a few more definitions added to the ordinance and there needs to be some more legal terminology. The term right now of "reside" is used to define is the property is owner occupied and Director Trefethen would like to see that word be changed to something a little bit more specific to be legally defensible. The current definition of reside means "this is the peoples principle place of residence". This is where they register their cars, register to vote and pay their taxes and so on.

Chairman Soucy asked if anything has been put into writing for the recommended changes to the ordinance. As of right now that has not been done. Director Trefethen is going to meet with the Mitchel Group to take the next step towards getting the proper definitions and wording to be legally defensible.

Chairman Soucy asked if we have looked into other towns/cities that have short term rental ordinances.

Director Trefethen said that he believes Laconia was the first to ensue a local ordinance. He knows that Gilford is working on one and Meredith is looking into one. There are not many places in the state that have actually enacted an ordinance. It is becoming a little bit more common, but we are way ahead of the curve on it.

Councilor Cheney asked for stronger language be in the ordinance that the owners must reside in the properties for a longer period of time than what it currently is. Councilor Cheney asked if they are still trying to work with a company to relay who is advertising their properties.

Director Trefethen said that they are in the process of looking for a company to track the properties being advertised and to notify the non-permitted homes that there are requirements to become permitted as a short term rental. He also said that he is hoping within 2 months a company will be on board and be able to start their services.

Councilor Cheney wanted to reiterate a prior conversation, he feels the biggest issue is the lack of enforcement. He'd like to see a part time employee to strictly do enforcement within the City. There are more than just air b & b's but also construction and people living in campers, other code violations, etc. Director Trefethen responded by saying that the company they are hoping to work with have said (in conjunction with a few outside communities that use these companies also) depending on what level of service you pay for, they will be the one to send the letter of requirements or if they do not qualify.

Chairman Soucy asked if the property on Gale Ave is a permitted property and they are not. They do not meet the qualifications according to Director Trefethen. He also stated the property owner does not agree with the ordinances definitions and chose to go before the ZBA where they were denied again. They are currently not renting out the property.

Director Trefethen said that his department is working on a letter to go out to all the area real estate agencies to remind them that this ordinance exists and a lot of the properties that they are representing do not qualify to get this permit and they should not be telling prospective buyers that they can just go apply for one.

Councilor Felch said that he agrees with everything that has been discussed.

Chairman Soucy would like to see an updated ordinance and schedule another meeting in one month to see a strengthened ordinance.

Manager Beattie laid out the ground rules for what they will be working on.

1. Strengthen the ordinance, what is defined as owner occupied/primary residence.
2. What can actually be enforced and at what point does it go to court.
3. Look at what buildings this can happen in.

Councilor Cheney gave suggestions that he'd like to see in this update.

1. The City recognizes that people will go to other states and want to rent out their property while they are gone.
2. They need to have a local property maintenance company readily available to respond to requests.
3. Post a bond for the cost of police/fire/ems

Chairman Soucy reiterated that they will update the Council in about a month with a revised ordinance.

#### **7.B. Naming privileges for public areas**

Councilor Felch requested that the Governmental Operations & Ordinances Committee discuss naming privileges for public areas. Pursuant to Councilor Felch's request, City Manager Beattie did some research of several New Hampshire cities to determine how they handle the naming of city buildings, fields and places (other than streets).

Manager Beattie began the discussion with the committee and shared the results that he found in a few other communities. He suggested that the council come up with some ideas.

A lot of the communities have council approval as part of their process. Claremont's ordinance is very similar to the way the City formats their ordinances. This potentially gives them something to work off of. There are enough requests that triggered Councilor Felch to request this discussion.

Councilor Felch likes the Claremont ordinance. He thinks it should go to the committee first and then the full council. Councilor Felch as well as Councilor Cheney would like City Manager Beattie to fashion the ordinance so that it fits the City and bring it back to the committee.

Parks and Rec Director Amy Lovisek stated that what prompted this over a year ago was the naming of the skate park and the community center. It was approved but it was Councilor Lipman that suggested there be an actual ordinance on naming buildings to make sure things are done properly and with consistency.

#### **8. CITIZENS REQUESTS TO COMMENT ON CURRENT AGENDA ITEMS**

Gail Ober, former vice chair of the Zoning Board spoke to the Committee as a prior member of that board when the short-term rental ordinance went into place. They approved almost all of the applications. These properties were either in a residential/commercial zone or a residential/shore front zone. She wanted to make the committee aware of some clauses in the ordinance that she suggests be stricken. At the bottom of the ordinance it states that if a person can prove that their short term rental request furthers or enhances the community in any way then it should be allowed. She recommends that this be taken out because it is far too subjective. There is also a 5-year look back clause which refers to if the property was previously used as a short term rental then the new owners could not be legally denied the permit.

Lastly Councilor Cheney recommended that the 5-year look back clause be for the applicant. The applicant would have had to live in the property for the last 5 years.

9. **Any other business that may come before the Committee**

10. **ADJOURNMENT**

Chairman Soucy adjourned the meeting at 6:36 PM

Respectfully Submitted,

Katie Gargano, City Clerk